

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA

Proof of Service of Document – Local Bankruptcy Rule 9013-3 (How To Prepare and Serve It)

What is a Proof of Service/ Proof of Service of Document?

A Proof of Service is a signed piece of paper that verifies you have attempted to deliver a document regarding your case to parties involved in your bankruptcy case. The Proof of Service form used at this court is called a Proof of Service of Document.

Why is a Proof of Service of Document needed?

A Proof of Service of Document confirms that a copy of the document you are filing with the court has been provided to the judge and other people/parties connected with your case or adversary proceeding. If the papers are not served in the correct way at the correct time, the court cannot go forward with your case or adversary proceeding.

When is Proof of Service of Document used?

A Proof of Service of Document must be attached to the back of every document that you file in the bankruptcy case except for the case commencement documents.

Who can sign a Proof of Service of Document?

The person must be 18 years of age or older and can be someone you know, a process server, or at times law enforcement personnel, but it cannot be you. Only the person who serves (gives) the documents to the applicable parties can sign the Proof of Service of Document.

Do I serve it by mail or email?

The person serving the documents may use the following methods:

1. Personal delivery
2. United States mail
3. Overnight mail
4. Email or fax, if the party agrees to that method

Who should receive a copy of the Proof of Service of Document?

The general requirements for serving documents in your bankruptcy case are set forth in the court's Local Bankruptcy Rules 9013-1 and 9013-3. As a general rule, if you are asking the court to rule against a particular party, be sure to serve that party and the party's attorney, if they are represented by one. If you are not sure whom to serve, the Bankruptcy Self-Help Desk at any of the court's divisions can help for free. To find out the hours and locations of the Self-Help Desk, please go to www.cacb.uscourts.gov, select "**Don't Have An Attorney?**" then look for a Self-Help Desk under "Free or Low Cost Bankruptcy Help" or call (855) 460-9641.

Where can I find a copy of this form on the website?

From the court's website, www.cacb.uscourts.gov, select **FORMS**. Next select **Local Bankruptcy Rules Forms**. Under Local Bankruptcy Rules Forms, select form number **F 9013-3.1.PROOF.SERVICE**.

Instructions for Preparing and Serving a Proof of Service of Document

(Revised 12-19-12)

Step 1

The person who is serving the Proof of Service of Document must write their address in this section.

Step 2

In the blank line provided in this section, please write the complete title of the document you are trying to serve.

Step 3

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)

- Enter the date you reviewed CM/ECF to determine who receives electronic service in this case.
- The U.S. Trustee, and the Chapter 7 Trustee or Chapter 13 Trustee in the case, are automatically served electronically with what is called an NEF. There is no need to deliver a copy of the document being served to anyone that automatically gets an NEF.
- If an attorney is filing the document, the email addresses of recipients must be listed. If you are not represented by an attorney, you may add the following phrase, as shown on the Sample Proof of Service of Document:

See NEF for confirmation of electronic transmission to the U.S. Trustee and any trustee in this case, and to any attorneys who receive service by NEF.

Step 4

2. SERVED BY UNITED STATES MAIL

When delivery is to be made by United States mail, the person who is going to mail the document should check and complete the “**SERVED BY UNITED STATES MAIL**” section of the form. Some points to remember:

- Enter the date you served the document by United States mail.
- Write out the street address for each person you intend to serve and who that person is, such as creditor, attorney, etc.
- The person signing the form should place the document(s) in the envelope, including a copy of the Proof of Service of Document, seal it, and affix enough U.S. Postage for First Class mail delivery.
- The person signing the Proof of Service of Document of Service form should deposit the envelope in a United States Postal Service (USPS) deposit box before the last scheduled pickup on the date the Proof of Service of Document is signed.

Step 5

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL

When delivery is to be made in person, facsimile transmission or email, the person who will actually deliver the document(s) by one of these methods, should check and complete the “**SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL**” section of the form and then carryout the delivery.

- Enter the date you served the document by personal delivery, overnight delivery, facsimile transmission, or by email.
- List all served by name and delivery method.

Step 6

DATE AND SIGN THE DOCUMENT UNDER PENALTY OF PERJURY

The person serving the Proof of Service of Document should READ and UNDERSTAND that they are signing this document under penalty of perjury under the laws of the United States and that if any of the information listed on this form is false or incorrect, legal consequences may include but are not limited to imprisonment and fines.

- Enter the date you declare under penalty of perjury that the information provided is true and correct.
- Print and sign your name.

SAMPLE
PROOF OF SERVICE OF DOCUMENT

Step 1

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

123 April Street
Los Angeles, CA 90000

Step 2

A true and correct copy of the foregoing document entitled (*specify*): Debtor's Motion to Reopen Case and For Extension of Time to File Debtor's Certification of Completion of Postpetition Instructional Course Concerning Personal Financial Management.

will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

Step 3

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) 3/1/2012, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

IF YOU ARE NOT REPRESENTED BY AN ATTORNEY TYPE THE FOLLOWING SENTENCE:

See NEF for confirmation of electronic transmission to the U.S. trustee, any trustee in this case, and to any attorneys who receive service by NEF.

ATTORNEYS (ONLY) MUST TYPE THE EMAIL ADDRESSES AS IN THE FOLLOWING EXAMPLE:

U.S. TRUSTEE: ustregion16.xx.ecf.usdoj.gov

Attorney for Lender: Alice Attorney, alice@lawfirm.com

☐ Service information continued on attached page

Step 4

2. SERVED BY UNITED STATES MAIL:

On (*date*) 3/1/2012, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Judge
Judge Williams
255 E. Temple Street
Los Angeles, CA 90012

Creditor
Jones Motor Company
4321 June Avenue
Some City, CA 90000

Attorney for Bank
Law Firm of Some Creditor, LLP
89 Anywhere Lane
Anyplace, CA 90000

☐ Service information continued on attached page

Step 5

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) 3/1/2012, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Attorney for landlord: Mary Marshall at fax number: 714-123-1234

Creditor: John C. Smith: jsmith@gmail.com

☐ Service information continued on attached page

Step 6

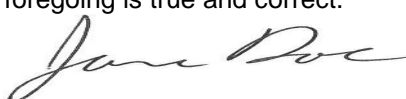
I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

3/1/2012

Date

Jane Doe

Printed Name


Signature

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

Attention: Certain Filed Documents Require You to Serve the Judge A Copy

Local Bankruptcy Rule 5005-2(d) requires that a copy of many documents filed must be served on the judge (judge's copy) who presides over the bankruptcy case or adversary proceeding (except the original bankruptcy petition filing, proofs of claim and other documents listed in the Court Manual Appendix F which is on the Court's website www.cacb.uscourts.gov). Either deliver a judge's copy by United States mail or by personal delivery to the judge's bin at the address listed below.

Note: If the document relates to a hearing, and the hearing is fewer than 14 days after the document is filed, the document must be served on the judge by personal delivery or overnight mail.

The chart below lists addresses for every judge.

Addresses for Serving a Judge's Copy: By Division			
Division & Mailing Address	Judge's Name	Judges' Suite Number	Location for Personal Delivery
LOS ANGELES DIVISION U.S. Bankruptcy Court Roybal Federal Building 255 E. Temple Street Los Angeles, CA 90012	Neil W. Bason	1552	Bin outside of Suite 1552
	Sheri Bluebond	1482	Bin outside of Suite 1482
	Julia W. Brand	1382	Bin outside of Suite 1382
	Peter H. Carroll	1460	Bin outside of Suite 1460
	Thomas B. Donovan	1352	Bin outside of Suite 1352
	Sandra R. Klein	1582	Bin outside of Suite 1582
	Robert Kwan	1682	Bin outside of Suite 1682
	Richard M. Neiter	1652	Bin outside of Suite 1652
	Ernest M. Robles	1560	Bin outside of Suite 1560
	Barry Russell	1660	Bin outside of Suite 1660
	Vincent P. Zurzolo	1360	Bin outside of Suite 1360
RIVERSIDE DIVISION U.S. Bankruptcy Court 3420 Twelfth Street Riverside, CA 92501	Scott C. Clarkson	See Santa Ana Division Address for Judge Clarkson	
	Mark D. Houle	365	Bin outside of Room 303
	Wayne Johnson	345	Bin outside of Room 302
	Meredith A. Jury	325	Bin outside of Room 301
	Deborah J. Saltzman	384	Bin outside of Room 304
	Mark S. Wallace	See Santa Ana Division Address for Judge Wallace	
SANTA ANA DIVISION U.S. Bankruptcy Court Reagan Federal Building 411 W. Fourth Street Santa Ana, CA 92701	Theodor C. Albert	5085	Bin beside 5 th Floor Elevators
	Catherine E. Bauer	5165	Bin beside 5 th Floor Elevators
	Scott C. Clarkson	5130	Bin beside 5 th Floor Elevators
	Erithe A. Smith	5040	Bin beside 5 th Floor Elevators
	Mark S. Wallace	6135	Bin beside 6th Floor Elevators
SAN FERNANDO VALLEY DIVISION U.S. Bankruptcy Court 21041 Burbank Blvd. Woodland Hills, CA 91367	Alan M. Ahart	342	Bin on 1st Floor outside entry to Clerk's Office
	Victoria S. Kaufman	312	Bin on 1st Floor outside entry to Clerk's Office
	Geraldine Mund	324	Bin on 1st Floor outside entry to Clerk's Office
	Maureen A. Tighe	354	Bin on 1st Floor outside entry to Clerk's Office
NORTHERN DIVISION U.S. Bankruptcy Court 1415 State Street Santa Barbara, CA 93101	Robin L. Riblet	103	Bin outside of Suite 103
	Peter H. Carroll	See Los Angeles Division Address for Judge Peter H. Carroll	